

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Linda Jean Stewart

Write the full name of each plaintiff.

-against-

Toni Amber

Toni Bernstein (birth name)

Cybela Clare (professional name)

Write the full name of each defendant. If you need more space, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section II.

1:19 CV 02331-UA

(Include case number if one has been assigned)

(Amended)
COMPLAINT

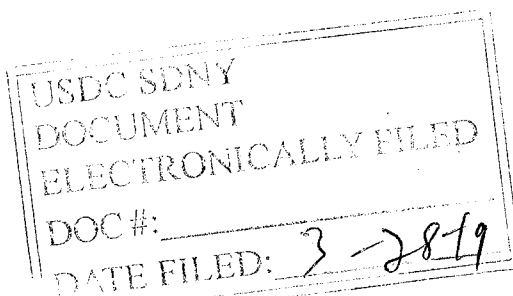
Do you want a jury trial?

☐ Yes ☒ No

(Prefer not to go to trial, but am prepared to if necessary).

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.



RECEIVED
SDNY PRO SE OFFICE
2019 MAR 28 PM 12:27

I. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation, and the amount in controversy is more than \$75,000, is a diversity case. In a diversity case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal-court jurisdiction in your case?

☒ Federal Question

☐ Diversity of Citizenship

A. If you checked Federal Question

Which of your federal constitutional or federal statutory rights have been violated?

Non-payment for services rendered.

B. If you checked Diversity of Citizenship

1. Citizenship of the parties

Of what State is each party a citizen?

The plaintiff, _____, is a citizen of the State of
(Plaintiff's name)

(State in which the person resides and intends to remain.)

or, if not lawfully admitted for permanent residence in the United States, a citizen or subject of the foreign state of

If more than one plaintiff is named in the complaint, attach additional pages providing information for each additional plaintiff.

If the defendant is an individual:

The defendant, _____, is a citizen of the State of
(Defendant's name)

or, if not lawfully admitted for permanent residence in the United States, a citizen or
subject of the foreign state of _____

If the defendant is a corporation:

The defendant, _____, is incorporated under the laws of
the State of _____

and has its principal place of business in the State of _____

or is incorporated under the laws of (foreign state) _____

and has its principal place of business in _____

If more than one defendant is named in the complaint, attach additional pages providing
information for each additional defendant.

II. PARTIES

A. Plaintiff Information

Provide the following information for each plaintiff named in the complaint. Attach additional
pages if needed.

<u>Linda</u>	<u>J.</u>	<u>Stewart</u>
First Name	Middle Initial	Last Name
<u>55 W. 105th Street, Apt. 5</u>		
Street Address		
<u>New York</u>	<u>N.Y.</u>	<u>10025</u>
County, City	State	Zip Code
<u>347-743-5924</u>	<u>Writernyc2409@aol.com</u>	
Telephone Number	Email Address (if available)	

B. Defendant Information

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. Attach additional pages if needed.

Defendant 1:

Toni Amber
 First Name Last Name
Movie Producer
 Current Job Title (or other identifying information)
400 E. 58th Street, APT. 10-C
 Current Work Address (or other address where defendant may be served)
New York N.Y. 10022
 County, City State Zip Code

Defendant 2:

 First Name Last Name

 Current Job Title (or other identifying information)

 Current Work Address (or other address where defendant may be served)

 County, City State Zip Code

Defendant 3:

 First Name Last Name

 Current Job Title (or other identifying information)

 Current Work Address (or other address where defendant may be served)

 County, City State Zip Code

Defendant 4:

First Name

Last Name

Current Job Title (or other identifying information)

Current Work Address (or other address where defendant may be served)

County, City

State

Zip Code

III. STATEMENT OF CLAIM

Place(s) of occurrence: New York metro area

Date(s) of occurrence: November 30, 1989 - July 31, 2000

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and what each defendant personally did or failed to do that harmed you. Attach additional pages if needed.

This case is about non-payment for
services rendered. (Please see attached
CASE SUMMARY and EVIDENCE LIST for more
details).

Linda Jean Stewart
55 W. 105th Street
Apt. 5
New York, NY 10025
Email: writernyc2409@aol.com

March 28, 2019

Case # 1:19-CV-02331-UA

Seeking payment for services rendered for a feature film, *Bird's Eye View*, from:

Name: Toni Amber (400 E. 58th Street, Apt. 10-C, New York, NY 10022); (212) 888-7620

Birth Name: Toni Bernstein

Professional Name: Cybela Clare Company: Prism Pictures (formerly Loco Media)

CASE SUMMARY

The issue is non-payment for services rendered. I worked with a producer (Toni Amber, now known professionally as Cybela Clare), for many years co-producing and shooting a feature film called BIRD'S EYE VIEW. I was promised payment at various stages of production, but, as of today, I still have not been paid in full for my work on the movie or even reimbursed for my expenses. The total due is around **\$80,000.*** I have an original, signed agreement, I have extensive records and other documentation as well as credits on the film which all prove I did the work.

The movie was released in 2009 and continues to be promoted. The producer in question definitely has the money and always did. Ms. Amber hails from a very wealthy family in Philadelphia and has inherited half of a \$40 million estate. Her company name is Prism Pictures.

I worked with Toni on the project (originally a television project which turned into the feature film, BIRD'S EYE VIEW), from 1990 to 2000. For the better part of a decade, I worked part time as the Associate Producer, Production Manager, and one of the main Directors of Photography on the film. It was finally completed and opened at the Roxy Theater in Philadelphia in the fall of 2009. **Since then, she has been promoting and selling the movie via YouTube, Facebook, on her IMDB page, on Amazon.com and other places on the Internet.****

I stopped working on the movie on a regular basis in 2000, so I understand there may be a problem with a statute of limitations (6 years?). However, I did attend the Philadelphia Independent Film Festival (which screened BIRD'S EYE VIEW) in 2010 to help promote the movie as well as having a marketing meeting with Toni Amber in December of 2013. Perhaps these events will re-set the clock?

Also, I was hoping because the movie took so long to finish, and is currently being promoted sold, that this might cancel out the time limit.

-2-

STEWART
(Case # 1:19-CV-02331-UA)

Toni paid me some small fees over the years in regards to work I did on this movie (acknowledgment that she owes me the money?)

Also, in January of 2017 she unsuccessfully tried to get my brother, David Stewart, a songwriter, to do some work for her in regards to a television project she claimed would be making a lot of money and said that she could "start paying your sister".

***Total due: Exact amount is \$82,922.15 for labor and expenses.**

****Besides my work on *Bird's Eye View*, video segments I shot, co-produced, and help edit are being used in other projects that Toni Amber has sold or is currently promoting and selling (*Over the Top: Cybela Clare's Jungle Book* and *E.T.s Among Us*).**

-3-

STEWART

(Case # 1:19-CV-02331-4A)

EVIDENCE LIST

1. *Bird's Eye View* online screener (2012) which has my credits at the end.
(Older screeners and trailers are also available which have my credits also.)
2. Photos of my movie credits at screening at the Roxy Theater in Philadelphia in 2009.
3. Recent email exchange (late 2018) between me and Toni Amber regarding my request to get paid.
4. Screen shots of movie being sold and promoted online.
5. Copies of checks (partial payments).
6. Past requests for payment and reimbursements for expenses and Toni's response. Detailed bills.
7. Other people not paid by Toni. (Emails).
8. Toni's call to my brother David on 1/26/2017.
9. Letter to Kristen Trojel of Allied Entertainment (1999)--missed opportunity.
10. Film production stills (2000).
11. P.R. photo.
12. Original letter to Toni (1989), *original agreement.*

OTHER EVIDENCE:

- * Production records
- * Editing notebooks
- * Appointment books (1989 – 2000)
- * Actors releases
- * Hi-8 footage of scenes from television show pilot which became the feature film, *Bird's Eye View*
- * Business cards (Loco Media, original name of Toni's company)

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

IV. RELIEF

State briefly what money damages or other relief you want the court to order.

I'm seeking payment for wages I earned which total \$79,860, plus personal expenses (such as phone calls and transportation) which I was never reimbursed for (\$3,062.15). Total amount owed: \$82,922.15. I am requesting a settlement of \$100,000 to compensate for the unusually long wait time involved plus interest on the outstanding bill.

V. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

March 28, 2019
Dated

Linda J. Stewart
Plaintiff's Signature

Linda J. Stewart
First Name Middle Initial Last Name

55 W. 105th Street, APT. 5
Street Address

New York N.Y. 10025
County, City State Zip Code

347-743-5924 writernyc2409@aol.com
Telephone Number Email Address (if available)

I have read the Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

19-2331

CONSENT TO ELECTRONIC SERVICE

I hereby consent to receive electronic service of notices and documents in my case(s) listed below. I affirm that:

1. I have regular access to my e-mail account and to the internet and will check regularly for Notices of Electronic Filing;
2. I have established a PACER account;
3. I understand that electronic service is service under Rule 5 of the Federal Rules of Civil Procedure and Rule 5.2 of the Local Civil Rules, and that I will no longer receive paper copies of case filings, including motions, decisions, orders, and other documents;
4. I will promptly notify the Court if there is any change in my personal data, such as name, address, or e-mail address, or if I wish to cancel this consent to electronic service;
5. I understand that I must regularly review the docket sheet of my case so that I do not miss a filing; and
6. I understand that this consent applies only to the cases listed below and that if I file additional cases in which I would like to receive electronic service of notices of documents, I must file consent forms for those cases.

Civil case(s) filed in the Southern District of New York:

Note: This consent will apply to all cases that you have filed in this court, so please list all of your pending and terminated cases. For each case, include the case name and docket number (for example, John Doe v. New City, 10-CV-01234).

Stewart, Linda, J.
 Name (Last, First, MI)

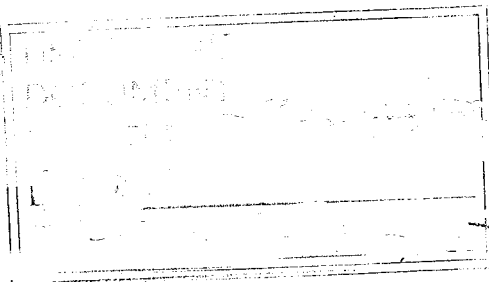
55 W. 105th St., Apt. 5 New York, N.Y. 10025
 Address City State Zip Code

347-743-5924 writernyc2409@aol.com
 Telephone Number E-mail Address

March 28, 2019 Linda J. Stewart
 Date Signature

Return completed form to:

Pro Se Intake Unit (Room 200)
 500 Pearl Street
 New York, NY 10007



RECEIVED



**United States District Court
Southern District of New York**

Pro Se (Nonprisoner) Consent to Receive Documents Electronically

Parties who are not represented by an attorney and are not currently incarcerated may choose to receive documents in their cases electronically (by e-mail) instead of by regular mail. Receiving documents by regular mail is still an option, but if you would rather receive them only electronically, you must do the following:

1. Sign up for a PACER login and password by contacting PACER¹ at www.pacer.uscourts.gov or 1-800-676-6856;
2. Complete and sign this form.

If you consent to receive documents electronically, you will receive a Notice of Electronic Filing by e-mail each time a document is filed in your case. After receiving the notice, you are permitted one "free look" at the document by clicking on the hyperlinked document number in the e-mail.² Once you click the hyperlink and access the document, you may not be able to access the document for free again. After 15 days, the hyperlink will no longer provide free access. Any time that the hyperlink is accessed after the first "free look" or the 15 days, you will be asked for a PACER login and may be charged to view the document. For this reason, *you should print or save the document during the "free look" to avoid future charges.*

IMPORTANT NOTICE

Under Rule 5 of the Federal Rules of Civil Procedure, Local Civil Rule 5.2, and the Court's Electronic Case Filing Rules & Instructions, documents may be served by electronic means. If you register for electronic service:

1. You will no longer receive documents in the mail;
2. If you do not view and download your documents during your "free look" and within 15 days of when the court sends the e-mail notice, you will be charged for looking at the documents;
3. This service does *not* allow you to electronically file your documents;
4. It will be your duty to regularly review the docket sheet of the case.³

¹ Public Access to Court Electronic Records (PACER) (www.pacer.uscourts.gov) is an electronic public access service that allows users to obtain case and docket information from federal appellate, district, and bankruptcy courts, and the PACER Case Locator over the internet.

² You must review the Court's actual order, decree, or judgment and not rely on the description in the email notice alone. See ECF Rule 4.3

³ The docket sheet is the official record of all filings in a case. You can view the docket sheet, including images of electronically filed documents, using PACER or you can use one of the public access computers available in the Clerk's Office at the Court.

500 PEARL STREET | NEW YORK, NY 10007
300 QUARROPAS STREET | WHITE PLAINS, NY 10601

PRO SE INTAKE UNIT: 212-805-0175